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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,054	06/25/2003	Munisamy Prabu	MSI-1465US	4124
22801	7590	04/07/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LIN, SHEW FEN	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,054	Applicant(s) PRABU ET AL.	
	Examiner Shew-Fen Lin	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/14/03, 9/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- a. This action is responsive to application filed on 6/25/2003; IDS filed on 10/14/03, 9/27/04, 10/14/04, and 8/17/05.
- b. Claims 1-43 are pending. Claims 1, 13, 22, 27, and 39 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-23, 25, 27-28, 30-31, and 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Crespo et al. (US Patent, 6,854,112, hereinafter referred as Crespo).

As to claims 22, 27, and 36, Crespo discloses a system with methods /means / system, implemented in a device (software distribution server, column 5, lines 40-49), the method comprising:

obtaining a user-defined task sequence that describes an action to be carried out in managing another device (define task sequence for installation, function class, location, hardware, Figures 3-9, column 9, lines 40-59, column 2, lines 59-67);

converting the user-defined task sequence to a set of one or more steps of a job to be carried out in managing the other device (create installation response files that corresponding to installation steps, column 2, lines 59-67, column 7, lines 40-44); and

carrying out the one or more steps of the job (install baseline products and applications, software packages specified in the steps, Figure 10, column 7, lines 18-20, column 9, lines 60-67, column 10, lines 1-2).

As to claims 23, 31, and 37, Crespo discloses wherein the set of one or more steps comprises steps for automatically deploying an operating system on the other device (install operating system, column 3, lines 6-10, column 10, lines 54-62).

As to claims 25, 35, and 38, Crespo discloses wherein the task sequence further describes actions to be carried out in managing one or more of a plurality of additional devices concurrently (install operating system on plurality of computers, column 3, lines 41-46).

As to claim 28, Crespo discloses wherein the user-selected task sequence is a user-defined task sequence (define or select installation options, column 1, lines 39-41, lines 64-66).

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As to **claim 30**, Crespo discloses wherein the job representation includes a one to one corresponding of elements to steps (hardware selection is one to one, Figure 9, column 9, lines 50-51).

As to **claim 33**, Crespo discloses wherein the task sequence includes another task sequence (In addition to operating system, install application associated with the respective machine, column 3, lines 6-10).

As to **claim 34**, Crespo discloses wherein the task sequence includes one or more operations to be performed (install operating system, column 3, lines 6-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 5-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo in view of Danan (US Publish 2003/0065828).

As to claims 1 and 13, Crespo discloses a system with methods /means / system implemented in a device (software distribution server, column 5, lines 40-49), the method comprising:

obtaining a task sequence that describes a set of one or more steps to be carried out in managing another device (obtain task sequence for installation, Figure 9, column 9, lines 40-59, column 2, lines 59-67);

generating a job tree representing the set of one or more steps (create installation response files that corresponding to installation steps, column 2, lines 59-67, column 7, lines 40-44); and

carrying out the set of one or more steps in accordance with the job tree (install baseline products and applications, software packages specified in the steps, Figure 10, column 7, lines 18-20, column 9, lines 60-67, column 10, lines 1-2).

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Crespo discloses the elements of claims 1 and 13 as noted above but does not explicitly disclose a job tree corresponding to the installation steps.

Danan discloses a job tree to represent different processes (steps) in a task processing sequence (Figures 7 and 10, paragraph [0018], paragraph [0090]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo's disclosure to include a job tree to represent different processes (steps) in a task processing sequence as taught by Danan for the purpose of editing decision list (paragraph [0101], Danan). The skilled artisan would have been motivated to improve the invention of Crespo per the above such that tasks to be performed in a logical order can be easily edited (paragraph [0090], Danan).

As to claims 2 and 15, Crespo discloses wherein the set of one or more steps includes steps for automatically deploying an operating system on the other device (install operating system, column 3, lines 6-10, column 10, lines 54-62).

As to claims 5 and 14, Crespo discloses wherein the task sequence is part of an Extensible Markup Language (XML) file (response files is used for sequence tasks, Figure 11, column 10, lines 15-21).

As to claims 6 and 17, Crespo discloses wherein one of the steps comprises another task sequence (in addition to operating system, install application associated with the respective machine, column 3, lines 6-10).

As to claims 7 and 18, Crespo discloses wherein one of the steps comprises an operation to be performed (install operating system, column 3, lines 6-10).

As to claims 8 and 20, Crespo discloses the elements of claims 1 and 13 as noted above but does not explicitly disclose wherein the job tree comprises a parent node corresponding to the job and one or more child nodes, wherein each child node corresponds to one of the one or more steps.

Danan discloses a job tree comprising a parent node corresponding to the job and one or more child nodes, wherein each child node corresponds to one of the one or more steps (Figure 10, paragraph [0018], paragraph [0101]-[0104]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo's disclosure to include a job tree to represent different processes (steps) in a task processing sequence as taught by Danan for the purpose of editing decision list (paragraph [0101], Danan). The skilled artisan would have been motivated to improve the invention of Crespo per the above such that tasks to be performed in a logical order can be easily edited (paragraph [0090], Danan).

As to claims 9 and 19, Crespo discloses wherein the set of one or more steps described in the task sequence are to be carried out in managing a plurality of other devices concurrently (install operating system on plurality of computers, column 3, lines 41-46).

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As to claim 10, Crespo discloses wherein the task sequence comprises a user-defined task sequence (define or select installation options, column 1, lines 39-41, lines 64-66).

As to claim 11, Crespo discloses wherein the task sequence comprises a user-selected task sequence (define or select installation options, column 1, lines 39-41, lines 64-66).

As to claims 12 and 21, Crespo discloses further comprising recording the set of one or more steps in a log (report /track installation process, column 3, lines 1-2).

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Claims 3-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo and Danan as applied to claims 1 and 13 above, and further in view of Babbitt et al. (US Publish 2002/0198972, hereinafter referred as Babbitt).

As to claims 3 and 16, Crespo and Danan (Crespo-Danan) disclose the elements of claims 1 and 13 as noted above but does not explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a first step of the set of one or more steps; and carrying out the remaining steps of the set of one or more steps only if the first step is completed successfully.

Babbitt discloses pre-boot to server (first step) to obtain file transfer (remaining steps) (Figure 4, paragraph [0005]).

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It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo-Danan's disclosure to boot to server first before installing operating system as taught by Babbitt for the purpose of transferring files (paragraph [0005], lines 13-17, Babbitt). The skilled artisan would have been motivated to improve the invention of Crespo-Danan per the above such that client system can be booted over the network before installing operating system.

As to claim 4, Crespo-Danan discloses the elements of claims 1 and 13 as noted above but does not explicitly disclose wherein carrying out the set of one or more steps causes the device to have firmware on the other device configured and an operating system to be deployed on the other device.

Babbitt discloses firmware on the client computer negotiating with server for pre-boot process (paragraph [0006]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo-Danan's disclosure to include pre-boot information in the firmware (paragraph [0006], lines 1-5, Babbitt). The skilled artisan would have been motivated to improve the invention of Crespo-Danan per the above such that client system can be booted over the network before installing operating system.

Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo in view of Babbitt.

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As to claims 24 and 32, Crespo discloses the elements of claims 22, 27, and 36 as noted above but does not explicitly disclose wherein carrying out the set of one or more steps comprises: carrying out a first step of the set of one or more steps; and carrying out the remaining steps of the set of one or more steps only if the first step is completed successfully.

Babbitt discloses pre-boot to server (first step) to obtain file transfer (remaining steps) (Figure 4, paragraph [0005]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo-Danan's disclosure to boot to server first before installing operating system as taught by Babbitt for the purpose of transferring files (paragraph [0005], lines 13-17, Babbitt). The skilled artisan would have been motivated to improve the invention of Crespo-Danan per the above such that client system can be booted over the network before installing operating system.

Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo in view of Danan.

As to claims 26 and 29, Crespo discloses the elements of claims 22, 27, and 36 as noted above but does not explicitly disclose wherein the converting comprises converting the user-defined task sequence to a tree having a plurality of nodes, wherein each of the one or more steps is represented by one of the plurality of nodes.

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Danan discloses a job tree to represent different processes (steps) in a task processing sequence (Figures 7 and 10, paragraph [0018], paragraph [0090]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo's disclosure to include a job tree to represent different processes (steps) in a task processing sequence as taught by Danan for the purpose of editing decision list (paragraph [0101], Danan). The skilled artisan would have been motivated to improve the invention of Crespo per the above such that tasks to be performed in a logical order can be easily edited (paragraph [0090], Danan).

Claims 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo in view of Babbitt.

As to claim 39, Crespo discloses a system comprising: a controller to obtain a task sequence that describes one or more steps to be performed on a remote device (remote software installation, Figure 9, column 9, lines 40-59, column 2, lines 59-67), and to generate a job representation of the one or more steps (create installation response files that corresponding to installation steps, column 2, lines 59-67, column 7, lines 40-44); and a network boot service to detect when the remote device is coupled to a network that the system is also coupled to (target machine connected to the server, column 10, lines 37-38), and to communicate with the controller to determine which of the steps of the job representation are to be carried out in response to the detection (different installation based on response files, column 10, lines 36-44).

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Crespo discloses the elements of claim 39 as noted above but does not explicitly disclose network boot service.

Babbitt discloses boot negotiation server process to tell the client how and where to find a boot file (column 3, paragraph [0030]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo's disclosure to include network boot service as taught by Babbitt for the purpose of obtaining boot information for the desired operating system (paragraph [0005], Babbitt). The skilled artisan would have been motivated to improve the invention of Crespo per the above such that different operating system can be easily installed (column 10, lines 36-44, Crespo).

As to claim 40, Crespo discloses wherein the one or more steps includes steps for automatically deploying an operating system on the remote device (install operating system via network, column 3, lines 6-10, column 10, lines 54-62).

As to claim 41, Crespo discloses wherein one of the steps comprises another task sequence (in addition to operating system, install application associated with the respective machine, column 3, lines 6-10).

As to claim 42, Crespo discloses wherein one of the steps comprises an operation to be performed on the remote device (install operating system via network, column 3, lines 6-10, column 10, lines 54-62).

Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo and Babbitt as applied to claim 39 above, and further in view of Danan.

As to claim 43, Crespo and Babbitt (Crespo- Babbitt) disclose the elements of claim 39 as noted above but does not explicitly disclose wherein the job representation comprises a tree having a plurality of nodes, and wherein each of the one or more steps is represented by one of the plurality of nodes.

Danan discloses a job tree to represent different processes (steps) in a task processing sequence (Figures 7 and 10, paragraph [0018], paragraph [0090]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Crespo's disclosure to include a job tree to represent different processes (steps) in a task processing sequence as taught by Danan for the purpose of editing decision list (paragraph [0101], Danan). The skilled artisan would have been motivated to improve the invention of Crespo per the above such that tasks to be performed in a logical order can be easily edited (paragraph [0090], Danan).

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Forbes; Jonathan A. et al., US 6381742 B2, "Software package management",
(...A software package manager uses a distribution unit containing components

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for a software package and a manifest file that describes the distribution unit to manage the installation, execution, and uninstallation of software packages on a computer).

- Imai; Tsuneo et al., US 5717930 A, "Installation system", (...an installation system that facilitates the operation on computer terminals in the network system and allows for automatic installation of an operating system software program on computer terminals).
- Irwin; James S. et al., US 5404527 A, "System and method for remote program load", (...retrieving and sending the bootstrap loader and the DOS code from disk storage on a file server in a network to a workstation in the network during the boot process of the workstation where there are one or more file servers in the network and where the file servers may be different types of computer systems including mainframe computers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 17, 2006

Shew-Fen Lin
Patent Examiner

A handwritten signature in black ink, appearing to read 'Mohammad Ali', with a stylized flourish at the end.

MOHAMMAD ALI
PRIMARY EXAMINER